

# Recommendations Addressing Anti-Black Racism at Osgoode Hall Law School

Black Law Students' Association, Osgoode Chapter

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To be young, gifted & *Black*  
- Nina Simone

## President's Remarks

The Black Law Students' Association ("BLSA") at Osgoode Hall Law School has long been committed to advancing the opportunities for Black students within the legal community. As one of the most active student-led organizations at Osgoode, BLSA is dedicated to student engagement, academic excellence, and community involvement. Through social events, mentorship programs, workshops, community outreach, and wellness sessions, we remain steadfast in fostering an inclusive environment for Black students.

As the current President of BLSA, I have had the opportunity to engage with many Black students throughout my time at Osgoode. In recent months, BLSA has held a public forum with members of the Osgoode community and an Alumni forum with former Black law students of Osgoode Hall. What came out of these meetings was the pervasiveness and reality of anti-Black racism within the law school. It was troubling to find out that many Osgoode students do not feel comfortable within the halls and classrooms of the law school. Furthermore, it was revealed that many Black students do not find their interests reflected within the classrooms, curriculum or displays within the building.

As Osgoode has long heralded itself as one of the most diverse law schools in the country, it is disturbing that the environment is not inclusive of all people. The recently released, *Strategies to Address Issues of Systemic Racism in The Legal Professions*, by the Law Society of Ontario, mirrored many of the sentiments expressed by current and former Osgoode students. The law society report also exposed that many racialized licensees felt they were disadvantaged in law school.

Education on cultural competency, unconscious bias, anti-racism and anti-oppression should start at law school. There is a pressing need for a culture shift; the onus is on law schools to remove obstacles against racialized students. Deans, professors, administrators, and all other community stakeholders have an integral role to play in producing an atmosphere that is truly inclusive for Black students. With the support of the BLSA executive team, we have compiled a list of ten recommendations that reflect the views, thoughts and opinions of our community members. It is our hope that this report will generate improved communication and transparency between Black students and administration.

This report is presented in direct response to the troubling occurrences of anti-Black racism that have infiltrated the York University campus. It has become evident that there is a lack of knowledge, support, and initiatives with regard to the well-being of Black students on campus. The recommendations are intended to offer solutions to permanently eradicate the sentiments of anti-Blackness that are quite pervasive on campus. We will continue to hold Osgoode administration accountable for the well-being of all Black students not only today, but also in the future.

Sincerely,



Tristan R. Davis  
**2017-2018 BLSA President**

## Incident Overview

Black History Month marks a very important occasion for Canadians of African descent. Every year the Black Law Students' Association of Osgoode Hall celebrates the achievements of prominent Black individuals in shaping Canada's heritage and unique cultural identity. In line with years past, for February 2018, BLSA produced and displayed brand new posters for the Gowlings Hall atrium. These photographs reflect some of the most integral events and Black pioneers of the past. After months of fundraising within the community and shaping the final images, BLSA members fixated more than twenty posters on the columns of Osgoode Hall's atrium on the evening of January 30th, 2018.

Unfortunately, come the morning of January 31st, less than twelve hours after these displays were put up, we discovered that two of our new displays in Gowlings Hall had been vandalized. The Black Law Students' Association was saddened and equally outraged by the defacing of posters celebrating outstanding Black-Canadians.



Two Vandalized BLSA Displays (2018)

Following the incident, an investigation was launched by York University Security with assistance from Toronto Police Services. Disappointingly, BLSA Osgoode was informed on February 12, 2018 that York University security had, "reviewed all of the footage available for the night and morning in question. Although there are multiple camera angles that capture the mixing area in Gowlings Hall, there is no angle that gives an unobstructed view of the precise location of the two posters. As a result, their investigation was inconclusive. There was considerable traffic through the area in question after the display was mounted, but the cameras did not capture the damage being inflicted and offered no direct evidence of who committed the act."

## History of Anti-Black Racism at Osgoode

Osgoode Hall Law School is not free from anti-Black racism. However, as an institution committed to diversity and inclusion, Osgoode has an obligation in ensuring that anti-Black racism does not pierce its educational walls. There has been many noted instances of racism at Osgoode that extend beyond the most recent act of hatred. In fact, there is a history of anti-Black racism at Osgoode, and a pattern of inaction.

This institution has housed countless Black students who have been silenced in classrooms, isolated from social settings and discredited by their peers and professors. These micro-aggressions, and often-blatant acts of racism, deeply affect the psyche of Black students and their success.

This section will date the noted and recorded acts of hatred at Osgoode. Throughout this history recollection, two features remain consistent: acts of anti-Blackness and Osgoode's inaction.

### **2001:**

Between February 8<sup>th</sup> and February 10<sup>th</sup> of 2001, a photo on the Black Law Students Association's bulletin board in the basement of Osgoode Hall Law was defaced. Specifically, the eyes in one of the pictures were gauged with a pin. This draws a striking resemblance to the recent vandalism that also gauged the eyes of posters featuring Black-Canadians.

In or around the time of this 2001 vandalism, two Black female law students received hate letters on campus with newspaper clippings attached about crimes involving people of color and a message that said, "It disgusts me to see you at Osgoode". Black students at Osgoode were angered and equally saddened by the acts of hatred. They voiced concerns about their safety on campus, the spread of hate propaganda and the isolation of Black law students at Osgoode. A former student had noted, "it [harassment] has certainly created a hostile and poisoned learning environment for me as well as others".

York security and Osgoode administration were notified about the incident and a public forum was held. This forum welcomed 40 Osgoode students, the Associate Dean and campus security officials. The detective investigating the case acknowledged that the incidents were most likely related, but was found to be inconclusive. He expressed, "the letters were all hate propaganda, trying to demean and degrade the Black community. Hate crime incidents against Black people tend to heat up during the Black History Month". The Associate Dean noted, "We [Osgoode] are a law school that has the most diverse student body. Diversity is our strength and these students are part of our excellence".

Weeks after the incident, the hysteria dwindled and the anti-Blackness was not addressed.

### **2012:**

In 2012, York Security staff members demanded that two Black female Osgoode students produce their student identification because there had been reports of thefts in the area. An Osgoode employee had pointed the students out to the security guards, saying that "those girls had been sitting there all morning" and that "[she did] not know them to be students". At the time of the incident, the two students were featured prominently on the homepage of Osgoode's website and video TV screens throughout the main hall of the law school.

**2013:**

In the fall of 2013, a Black mature female Osgoode student was targeted by Osgoode library staff when they declared, “she did not look like a law student”. The student was studying in the library and was questioned about her status as a law student. The Black Law Students’ Association at the time, angered by the harassment and humiliation compiled a list of recommendations to be brought to Osgoode administration.

The comprehensive list of recommendations included:

1. Task Force: The Equality Committee at Osgoode creates a Task Force specifically for students who would like to report racial profiling on campus.
2. Enforcing a standard library procedure for all students during exam season
3. Develop an Internal Osgoode Human Rights complaint procedure
4. Provide human rights training for all staff and faculty
5. Develop a fund to support the research and efforts of an advocacy and advisory committee, including hiring targets of racial harassment and discrimination to provide recommendations
6. Create a procedure for academic accommodations
7. Establish reporting and archiving system for incidents of racial profiling
8. Develop a communications procedure for future incidents of racial profiling.
9. Publish the human rights obligations of members of Osgoode

Unfortunately, most of these recommendations have not been implemented adequately. The Equality Committee only meets twice a year and does not have the institutional capacity to make any long-lasting change. The Internal Human rights complaint process, if it exists, has made no efforts to be accessible or transparent. The remainder of recommendations have either been ignored or poorly executed.

In a span of 4 years, Osgoode has made very minimal changes to address the blatant and pervasive forms of anti-Black racism. At this point, too much is at stake for inaction to continue.

**2017:**

In November of 2017, an Osgoode student found graffiti in the second floor women’s washroom. The message said, “its ok to be white”. The graffiti was reported to the Assistant Dean and immediately taken down.

According to the Anti-Defamation League (ADL), this phrase has been tracked back to white supremacists’ rallies and is used primarily in alt-right organizations<sup>1</sup>. Although an article was published in Osgoode Hall’s *Obiter Dicta*, no other action was taken nor was the act condemned.

**2018:**

Most recently, on January 30<sup>th</sup>, two portraits affixed to the walls in the hallways of Gowlings Hall at Osgoode Hall Law School depicting Devin Clunis and Viola Desmond were defaced on the first day of Black History Month. On both portraits, the eyes of each individual were scratched out. The incident symbolizes a flagrant lack of respect for the entire Black community, the achievements of Blacks, and the Black Law Students’ Association at Osgoode Hall Law School. The acts of the perpetrator(s) are

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<sup>1</sup> From *4Chan, Another Trolling Campaign Emerges*, Anti-Defamation League (November 2017).

symbolic; to scratch the out of an individual on a photo is a metaphor for harming, injuring, or destroying a person. It is not simply a coincidence that: a) the portraits were defaced on the first day of Black History Month and; b) the portraits that were selected by the perpetrator(s) were of two admirable Black role models.

Following the vandalism, BLSA held two public forums: one for Osgoode students and one for BLSA alum. In both discussions, the same sentiments were expressed; Black students do not feel welcome at Osgoode.

Outside of these recorded moments of anti-Blackness at Osgoode, there are daily experiences of both pervasive and explicit racism for Black students. The silent, but equally hurtful comments made by peers and faculty is a consistent experience for Black students.

In the 2018 Public Forum, the experiences of Black students were noted:

- “There is no culture in the school that promotes a safe space for racialized students”
- “Combatting racism is often perceived as a joke... what is my alternative?”
- “Strengthening ties of solidarity are key because they are trying to intimidate us”
- “The law profession is not free from racism, but Osgoode has an obligation to keep Black students safe”
- “Black students should not feel targeted by Professors in the classroom.... they should know better”
- “Black students do not feel welcome at Osgoode”

In the 2018 Alumni Public Forum held by BLSA, the same frustrations, hurt and disenfranchisement of Black students were revealed. Black Alumni sympathized with current students on the trauma they also faced. It is clear that there is a deeper institutional problem that fails to acknowledge the hurt of racialized students. The adequate response is a multi-pronged strategy that welcomes, supports and advances Black students at Osgoode.

## List of Recommendations

These recommendations have been compiled by the Black Law Students' Association, in consultation with the Black students at Osgoode and BLSA alum. We ask that these recommendations are carefully reviewed and we welcome the opportunity for questions or further clarifications.

It is an expectation that BLSA will be a partner in the implementation of all recommendations.

### Recommendation #1: Annual Black Excellence Event

The event would be a similar replication to that of the Black Excellence event held in the summer of 2016. As successful and encouraging as that event was, we ask that it be carried on as an annual tradition, with a 5-year commitment from Osgoode. This would provide an opportunity for Black students to feel connected to the alumni community, meet mentors, and fellow students prior to the start of the law school year.

We ask for similar funding, attendance size limit and similar format to the 2016 event. The event would be organized and executed by BLSA Osgoode with administrative assistance from Osgoode administration and faculty.

In our town hall meeting, Black students (in particular 1Ls) detailed how they felt isolated and unwelcomed at Osgoode. This would provide resources for students who feel they need to talk to someone who has been in their shoes and can provide moral support and general mentorship. Overall this event evokes powerful imagery for a young student to see those who came before them, how they succeeded, and how they continue to face daily challenges in the profession.

### Recommendation #2: Mandatory 1L Session

First-year law students at Osgoode Hall have confidentially told the BLSA executive that they have been harmed by anti-Black comments issued by students and professors alike. The vandalism incident, in addition to the *othering* that Black students at Osgoode endure, has led to a situation where some first-year Black law students feel as though they must struggle to gain a semblance of belonging within the Osgoode community. Such a circumstance is unacceptable.

If Osgoode Hall Law School is an institution, which prides itself on aiding the creation of a diverse legal profession within our country, we need Osgoode's administration to take steps to demonstrate its commitment to *all* its students. Therefore, BLSA is requesting a mandatory first-year session (facilitated by BLSA) on anti-Black bigotry, pertaining to both law school and the legal profession. The distinct issues faced by Black law students (and lawyers), in tandem with the incidents which have solely targeted us and our place at Osgoode calls for a special session to address the unique harms of anti-Black racism to our student body.

The purpose of the session is to teach Osgoode's student body about the unique hurdles that their fellow students must face within the legal environment as they seek to become lawyers. By teaching the Osgoode first year student community about these challenges, we hope to lay the foundations for



change which will mitigate anti-Black racism within Osgoode and the Canadian legal community. This is especially so in Ontario where Black people, when statistically assessed by the Law Society of Ontario in 2014, are under-represented in the legal profession compared to their total representation in Ontario's population (2.9 per cent of lawyers while constituting 4.3 per cent of Ontario's total population).

Furthermore, it will reinforce the importance of the individual student responsibility to contribute to an accepting atmosphere for Black law students within our school. Finally, this session which disseminate a positive message from the Osgoode administration to its Black students. That message expressing that it cares about our well-being and our ultimate success. We invite the administration of Osgoode Hall Law School to be bold and take up this challenge with BLSA. In this way, we may strengthen our school community and the Black students who wish to be a part of it.

### **Recommendation #3: Curriculum Change**

This disheartening vandalism was an eye-opener for racialized students at Osgoode Hall. At the public forum held a day after the incident, racialized students voiced their personal feelings and lived experiences while enrolled as an Osgoode student. Black students reported feeling unwelcome in the school environment and feelings of isolation, despite the fact that Osgoode Hall is the most diverse law school in Canada. While the student body at Osgoode is the most diverse out of any Canadian law school, the striking differences in life experiences and socioeconomic status between racialized and non-racialized students coupled with many other factors (implicit/explicit racial bias, stereotyping, overall unfamiliarity with one another etc.) can make it difficult for racialized and non-racialized students to interact, relate, and develop relationships with one another in law school.

It would be naïve to assume that racist ideas, racist beliefs, and negative stereotyping have vanished in the last 60 years simply because slavery was abolished. While overt, targeted individual racism may not be as pervasive as it was decades ago, Black people still continue to suffer from negative stereotyping, institutional racism, and implicit racial bias. Negative Black stereotypes do not stand a chance of changing if individuals are not educated on Black history. That being said, BLSA proposes that education is essential in the quest to dismantle negative stereotypes, racial ignorance, and combat racism. Black history must not be left out of Osgoode's curriculum. By understanding the historical decisions and policies that have impacted Black people, law students will be better equipped to identify the effects certain decisions and policies have had in the Black community. From there, law students will be in a better position to identify how certain social perceptions, biases, and stereotypes towards Black people have formed and remain prevalent today.

BLSA is requesting the integration of Black narratives into the legal education.

#### **Curriculum Recommendations**

- A. Professors should be encouraged to mention explicit/implicit racial bias when/where they believe it is a factor. If a professor believes that implicit/explicit racial bias is at play in any relevant course material (i.e. policies, legislative actions, case law, news articles) it should be brought up.
- B. The curriculum should weave in legislative (i.e. policy) and judicial decisions that have disadvantaged and/or marginalized Blacks.

- C. An exercise or class should be implemented in Ethical Lawyering where students are taught about implicit racial bias and how to identify implicit racial bias.

### **i) Ethical Lawyering**

- An exercise or a class should be implemented where students are taught about implicit racial bias and how to identify implicit racial bias.
  - A problem should be designed where students can identify implicit racial bias at play, the contexts in which racial biases operate in, reflect on feasible strategies to combat those biases, and try to mitigate or overcome their discriminatory effects.
  - Hypothetical real life situations can be posed to students (ie. dealing with a racially sensitive situation at work, dealing with a racialized client etc.)
  - Students should be able to discuss racial assumptions, racial experiences, and openly discuss how to handle these situations.
  - Lincoln Alexander's bold act of courage should be mentioned somewhere in the Ethical Lawyering curriculum.
    - In 1953, Lincoln Alexander stood up in front of the class and spoke out when the dean of Osgoode Hall Law School at the time casually used the racist example of "a nigger in the woodpile" to make a point in class.

### **ii) Criminal Law**

- In criminal law, mentioning how police officers in Montréal used photographs of young Black men as targets for shooting practice in the 1980s.
- Conducting a historical analysis on the over-policing in racialized communities. This in turn has resulted in more Black people being arrested and processed through the criminal justice system. This also aids in explaining the overrepresentation in prisons and the use of solitary confinement for Black people in comparison to the general population in Canada and the USA.
- An analysis of the current laws and procedures surrounding narcotics enforcement, in relation to racialized communities.
- An inquiry into the Special Investigations Unit (SIU) created in Ontario, in relation to racialized communities. The SIU was created due to pressure from the Black Action Defence Committee, which was an activist group founded in 1988 in response to a series of police shootings of Black men in Toronto.

### **iii) Constitutional Law**

- The development of racialized law should be discussed in constitutional law. Students should not have to enroll in a US constitutional law course (which may not even be available) before learning about the progression of civil rights and racialized law in North America. Slavery existed in both New France and British North America. Despite the fact that slavery was not as widespread in Canada as it was in the USA, Black Canadians were certainly aware that their lives were constrained by virtue of their race.
- In Osgoode's first year curriculum, students are taught Aboriginal constitutional rights in constitutional law. However, as Canada is now more diverse than ever, the curriculum should also delve into how the rights of particular racialized groups have evolved in Canada overtime.

- The Trial of Viola Desmond

#### iv) Additional Curriculum Possibilities

- Wilfred Laurier's Order-in-Council P.C. 1324 in 1911
  - The purpose of the order was to ban Black persons from entering Canada for a period of one year.
- *Christie v York* (1939) S.C.R. 139 should be taught in Constitutional Law
  - SCC decision
  - A Black man was refused service in a tavern where he had stopped by for a beer because of his race.
  - Supreme Court of Canada held that the tavern was under no duty to serve the Black man because in Quebec the general principle of law was complete freedom of commerce. Therefore, in Quebec anyone was free to deal as he wished with any individual member of the public.
- *Immigration Act* changes in the 1960s, which removed a bias towards nonwhite immigrants
  - It was not until 1962 that the Minister of Citizenship and Immigration implemented new guidelines removing most racial discrimination. In 1967, a points system was introduced and the last of racial discrimination was removed.
- Over representation of Black youth in the welfare system
  - Applications and Appeals from determinations made by the Children's Aid Society
- Black History in America
  - Jim Crow Laws in the United States: Explain how these laws have structurally engrained ideas of Black inferiority.
  - Racialized marriage laws enacted in 1967.

For more resources, please visit the Government of Canada Archive and Library.

### Recommendation #4: Faculty Diversity

Osgoode Hall Law School has held a reputation for being an institution committed to equality and diversity, and is considered to be the most diverse law school in Canada. Despite this recognition, Black law professors continue to be underrepresented within the school's faculty. Out of the 74 faculty members displayed on Osgoode's online directory, only two of those members are visibly Black or African-Canadian. Such findings suggest that inclusion initiatives must be improved in order to promote Black representation among the faculty.

Faculty demographics play a crucial role in creating a learning space in which Black students feel welcome and included. "The presence of historically underrepresented minorities on law faculties sends an unmistakable message to students of color [...] that they in fact belong in law school and the legal profession..."<sup>2</sup> Furthermore, the benefits of diversity in academia apply to students and faculty of all ethnic and racial groups. "These benefits result from face-to-face interaction among students and faculty of different racial and ethnic backgrounds."<sup>3</sup> This type of diversity creates an environment in

<sup>2</sup> Kevin R. Johnson, "The Importance of Student and Faculty Diversity in Law Schools: One Dean's Perspective" (2011) 96 Iowa L Rev 1549 at 1558.

<sup>3</sup> Jonathan Alger, "When Color-Blind is Color-Bland: Ensuring Faculty Diversity in Higher Education" (1999) 10:2 Stan L & Pol'y Rev 191 at 191.

which the entire academic community can engage in a learning experience enriched by a range of cultural backgrounds and perspectives.

In its call for applications for academic employment, Osgoode references its Employment Equity Plan. This initiative seeks to promote the representation of five historically marginalized groups including women, Indigenous persons, persons with disabilities, LGBTQ persons, and racialized persons. If this plan is to have significant impact, Black faculty members need to be represented not in a manner that reduces professors to tokens of diversity, but one in which they play an integral role in the law school curriculum.

With this aim in mind, Black professors must be more strongly represented within the first year curriculum. Many Black students have expressed a concern that they have felt unwelcome and isolated during class discussions that have neglected the lived experiences of racial minorities. In order to combat this incidence, there is a need for Black professors who can address the instances of anti-Black racism that present themselves in textbooks and class discussions. A focus on representation in required 1L courses would ensure that all students who graduate from Osgoode would receive the unique cultural sensitivity and equity training that comes from being taught by a Black professor. Furthermore, at least one BLSA member should be included on the faculty recruitment committee in order to guarantee Black representation during faculty hiring processes.

These recommendations will help to ensure that the diversity initiatives promulgated by the Osgoode administration create a learning environment that welcomes its Black students, and prepares all students to serve the greater community.

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## **Recommendation #5: ELGC Review**

On behalf of the Black Law Students' Association (BLSA) of Osgoode Hall Law School, we recommend that Ethical Lawyering in the Global Community be revised to include:

- (1) Equity training for professors instructing the course;
- (2) More racialized professors; and
- (3) A topic on anti-Black racism, including what it means to be an ally.

### **Equity Training for Professors**

Black students at Osgoode Hall have voiced concern about the conduct, and overall ineptness of professors, when speaking about racialized issues in the course of their instruction. This would of course be troubling in any context but given that ELGC is premised upon the ethical responsibilities of lawyers and law students alike, it is especially disconcerting.

As detailed in "The Silent Minority within a Minority: Focusing on the Needs of Gay Youth in Our Public Schools", equity training is a program which attempts to foster in educators an appreciation of the diversity of school populations – it looks at difference as something to learn from and accept, not change or normalize.<sup>4</sup> In Armstrong's article, teachers were exposed to both proactive and reactive approaches in addressing equity. With regards to the former, teachers were encouraged to include discriminatory issues in their teaching as well as pull from and provide a greater number of resources to

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<sup>4</sup> Armstrong at page 91.

students touching on discriminatory issues. Lastly teachers were encouraged to change discriminatory policies. With regard to the latter, teachers were exposed to methodology for reacting to discriminatory jokes, comments, or statements concerning other students.<sup>5</sup> This is of the utmost importance for our circumstances. Too often students and faculty make racially charged comments that go unchecked by peers and other faculty members. These comments have almost normalized themselves. This is problematic to say the least. Black students should feel as welcome, safe, and included in this space as any other student. BLSA believes equity training for professors would go a long way to achieving this goal.

### **More Racialized Professors**

While Osgoode is constantly espousing a diverse student body, it is quite apparent to Black students that the faculty lacks the same diversity. Moreover, that same diversity is especially lacking for professors teaching substantive courses. The importance of diversity in the workplace, classroom, etc., is a well-established principle in academia.

### **A Topic on Anti-Black Racism**

While BLSA recognizes that issues of racism are a core component of the ELGC curriculum, BLSA believes that a discussion needs to be had about anti-Black racism in particular. The plight of racism is different to each racialized group and as such a different discussion is owed. It is not enough to talk about racism in theory or racism as effects everyone, but as pertains to the Black narrative in particular.

## **Recommendation #6: Equity Training for Professors**

The BLSA Executive requests institutional support for mandated equity training for all faculty members and student leaders. The equity training program is designed to provide staff and faculty at Osgoode with valuable knowledge and skills to work and lead in an inclusive work environment. It seeks to engage Osgoode's staff and faculty in conversations, discovery, and learning about diversity and equity principals and to provide resources, knowledge, and tools required to make Osgoode an inclusive campus. The equity training program should consist of **Leadership Training and Mentoring**, **Transparency, Bias Awareness and Promoting a Culture of Equity**, and **Data Collection and Analysis**.

### **I. Leadership Training and Mentoring**

*Mandating an annual equity training workshop for all faculty members focused on how to integrate principles of diversity in and out of the classroom*

A workshop for educators that generates increased awareness and understanding of issues of equity, exceptionality, diversity, and difference in the classroom. Certification must be provided for all faculty who complete the workshop. The certificate program offers participants, a theoretical framework for understanding equity and inclusion principles and concepts; helps participants develop necessary skills for equity and diversity work; and gives participants direct experience through interactive scenarios working and communicating across differences. This includes attentiveness to gender equity, ethno cultural diversity, religious pluralism, political affiliation, sexual orientation, age differences, ability

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<sup>5</sup> Armstrong at page 91 to 92.

differences, and learning/teaching styles. Educators will learn ways to make the learning environment more accessible and supportive for all learners.

### **Promoting more people of color and women to positions of distinction and visibility**

Some recommended policies include: prioritizing diversity in senior hires and in appointments to leadership and distinguished positions; and creating leadership training programs.

## **II. Transparency**

*Osgoode must have a transparent, clear process for certifying which faculty member has completed the equity workshop.*

For all Osgoode course descriptions, it should be stated whether a faculty member has completed the equity workshop.

## **III. Bias Awareness and Promoting a Culture of Equity**

*Annual Dean's Report on Equity and Diversity*

In order to promote accountability in Osgoode, we propose instituting a new annual Dean's Report on Equity and Diversity addressing measures taken to address issues of diversity and fairness. The report should include faculty statements about the objective of the equity certificate program.

## **IV. Data Collection and Analysis**

*Data collection and tracking*

Osgoode should keep a record of which faculty members and staff completed the workshop program. Osgoode should keep a record of how many students enrolled in courses where the professor completed equity training.

## **Recommendation #7: Equity Officer at Osgoode Hall Law School**

As noted earlier, the Black Law Students' Association cannot continue to do the work of the institution. As a result, Osgoode Hall, in its commitment to inclusion and the preservation of Black students needs to hire an Equity Officer. The Equity Officer would advise and assist with programs relevant to inclusion and cultural diversity. This Officer would organize public education/ professional development seminars to build cultural competencies, while responding to concerns of discrimination or intolerance. Most importantly, this Officer would prioritize anti-Black racism at Osgoode and use their resources to combat the hatred and micro aggressions.

This role would be quite different from the Centre of Human Rights, Equity and Inclusion at York University. While the Centre has a great mandate, the Equity Officer would oversee issues and concerns pertaining to law students at Osgoode. As a small and interconnected community, it is imperative that there is an Officer at Osgoode that addresses the unique circumstances of racialized students in the legal profession. More importantly, many of the recommendations in this report require a governing body to oversee the daily instances of anti-Black racism, and intolerance more widely.

As noted above, the role of the Equity Officer is vital for the majority of BLSA's recommendations to manifest in the most productive way. There is a large gap in the current Osgoode bureaucratic structure that does not engage with, nor support the success of racialized students at Osgoode. The Equality Committee at Osgoode is ineffective in its capacity and has proven to lack the skills to remedy anti-Black racism at Osgoode.

This Equity Officer must have a background in anti-oppression work, anti-Black racism and knowledgeable of the issues facing racialized communities.

The role of the Equity Officer at Osgoode would include (but is not limited to):

- Public Education Workshops and Professional Development Seminars on Race, Diversity & Inclusion
  - Implementing/ Supervising Equity Training for Professors at Osgoode
  - Supervise the development and sustainability of the 1L mandatory sessions (see recommendation 2 above)
- Respond to concerns, resolving conflict and managing complaints of discrimination, harassment and intolerance
- Collect instances of anti-Black racism, or intolerance more widely at Osgoode, that would be relayed to the administration.
- Data Collection
  - Track and monitor Black student experiences and retention throughout their time at law school
  - Through tracking the retention of Black students at Osgoode, we hope that BLSA and the administration could gain insight into some of the structural barriers of Black students.
- Consultation and advice on policy matters pertaining to race, diversity and culture

The financing for an Equity Officer would be taken directly from Osgoode's surplus. According to the 2016-2017 Osgoode Hall Law School Annual Report, the Carry Forward to Next Year amount is \$11,746,400.00<sup>6</sup>. Notwithstanding, renovations for the current school year and new initiatives funded by Osgoode, there is a large surplus to fund a much-needed Equity Officer.

An Equity Officer would demonstrate Osgoode's commitment to creating safe spaces for Black students on campus, and would alert other legal education institutions to adopt a similar structure. Osgoode has a unique opportunity to be a leader in addressing anti-Black racism in legal education, while maintaining its reputation as an institution committed to diversity.

## **Recommendation #8: Black Wellness Counselor at Osgoode**

The persistent mental health issues plaguing the legal profession are well established. As an occupation, lawyers are more prone to clinical depression and substance abuse problems. At its very worst, lawyers turn to suicide at an alarmingly high rate. Mental illness affects people of all ages, genders, and ethnic backgrounds. However, significant factors such as social exclusion, discrimination and poverty make the Black community more susceptible. While these characteristics are not exclusive to our community, the lack of resources provided to us amplifies these barriers. Accordingly, there is an immense need to create more culturally adoptable mental health resources and supports within legal institutions to assist the Black students looking to enter the legal profession.

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<sup>6</sup> 2016-2017 Annual Report, Osgoode Hall Law School of York University, 2017 at p 48.

Maintaining the mental health of each and every student at Osgoode should be one of the administration's main priorities. However, seeking and securing effective mental health services and supports remains a challenge for the Black students within the institution. Many of our members can recount several instances of covert or overt racism, culturally rooted stigma, and racist comments made both inside and outside the classroom. For example, students have experienced these acts of discrimination during classroom discussion, both laterally from other students and from professors. Moreover, many of us who attend Osgoode are first generation law students and do not have a large network to turn to for assistance with the unique challenges that we face. Further, there are significant financial barriers that are pervasive among first generation students that increase the stress and pressures of obtaining a legal education. Ultimately, our educational pursuit has proven to be increasingly difficult as we are forced to navigate these arduous barriers in addition to the common challenges that most law students struggle with.

Though we are aware that there are some wellness supports already available for students, we have found that there is a vast disconnect when seeking support from professors and/or mental health professionals who are not literate or cognizant of our experiences. This only contributes to feelings of difference, exclusion and isolation. To combat this, we recommend that Osgoode prioritize employing one or more racialized, or more specifically, Black mental health counsellors on a full-time, permanent basis. Black students at Osgoode would greatly benefit from having access to dedicated Black counsellors who understand our distinct experiences and concerns. We would like access to a counsellor who is available for one-on-one sessions and to facilitate group wellness workshops.

After overwhelming demand for assistance in this area, BLSA has organized several mental health workshops geared towards Black students facilitated by Black mental health professionals from the local community. Subsequently, we received incredibly strong feedback about the effectiveness of these sessions, and further, students expressed their need and desire for regular access to Black mental health professionals within the school. Osgoode prides itself on increasing access to legal education by making efforts to maintain a diverse student body. However, with diverse students comes the reality of diverse experiences and challenges. As the nature of the student body alters, the supports that are needed also shift and thus, we must begin to respond to these changes with effective measures to ensure the well-being of *all* students.

## **Recommendation #9: Public Statement from Osgoode Hall Law School**

Presently, anti-Black racism continues to be an issue within post-secondary institutions.<sup>7</sup> While the number of formal complaints of racial-based discrimination in academic institutions are low, it is understood that this is not reflective of the actual realities many students face on campuses.<sup>8</sup> It is common for students on Toronto campuses to hear derogatory words from non-Black students and when seeking redress, the policies in place can seem valuable but their effects are rather illusory since delays, seemingly lack of efforts, and actionable responses can be a deterrent.<sup>9</sup> Due to barriers, students

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<sup>7</sup> Frances Henry & Carol Tator, "Introduction: Racism in the Canadian University" in Frances Henry & Carol Tator, *Racism in the Canadian University: Demanding Social Justice, Inclusion, and Equity* (Toronto: University of Toronto Press Incorporated, 2009) at 3.

<sup>8</sup> Jeremy McDonald & Lori Ward, "The rose-coloured glasses are off: Why experts, students suspect racism under-reported on campuses" (22 March 2017), *CBC News*, online: <<http://www.cbc.ca/news/canada/race-complaints-canadian-universities-1.3786176>>.

<sup>9</sup> Shree Paradkar, "Racist social media attacks at U of T highlight barriers to addressing anti-Blackness" (5 December 2017), *The Toronto Star*, online: <<https://www.thestar.com/opinion/star-columnists/2017/12/05/racist-cyberattacks-at-u-of-t-highlight-barriers-to-redressal.html>>.



are reluctant to bring forth complaints because it is seen as futile or they may be perceived as being trouble-makers (this is equally true for members of the legal profession).<sup>10</sup> This is problematic as it can create a lack of trust that the academic institution truly cares about ameliorating problems of inequality and racism faced by minority groups like the Black community.<sup>11</sup> Rather than having a safe space, it can easily feel unwelcoming.

When efforts have been made to make the legal community diverse and more inclusive, this has been met with opposition both historically and rather recently, indicating that the barriers racialized lawyers and paralegals face today still remain quite tangible.<sup>12</sup> In November 2017, the Law Society of Upper Canada sought to address the widespread issue of racial inequality and diversity within the legal profession by requiring lawyers and paralegals to adopt a statement of principles indicating a duty to promote inclusion and diversity.<sup>13</sup> Unfortunately, this was faced with push-back.<sup>14</sup>

Standing as both a legal and academic institution, Osgoode Hall Law School stands in a unique position of exposing future lawyers to not only legal principles, but code of ethics that will govern students in becoming more than just competent lawyers—but will foster character. In 2014, a list of recommendations was also presented to Osgoode administration due to an incident of racial profiling. In light of the fact that anti-Black racism is a problem within Canadian campuses, the legal profession and the incidents of discrimination that have occurred on the Osgoode campus, it is recommended that Osgoode Hall Law School issue a formal public statement asserting its commitment to diversity and inclusion, and that acts of racism will not be tolerated.

There are those within the legal community who share ties to Osgoode and are equally invested in diversity and inclusion, but have not received any formal address from the Law School. Given the timing of the vandalism incident and it having taken place during Black History Month, it is recommended that Osgoode Hall Law School inform the legal community that Osgoode Hall Law School stands behind values of equality and expresses their commitment of discouraging anti-Black racism especially in a field that has been historically known to exclude minority groups. This public statement is recommended to demonstrate transparency, accountability, and a dedication to promoting the public interest of inclusion and diversity especially as it pertains to Black members of the Osgoode community.

## **Recommendation 10: Commissioning a Piece in Gowlings Hall**

Commission a permanent fixture celebrating African Canadian contributions to the legal profession in Gowlings' Hall at Osgoode Hall Law School.

*“The halls of Osgoode reflect a white profession and I don’t know where I fit in with it.”*

-African Canadian Osgoode Hall Law School Student Class of 2019.

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<sup>10</sup> Supra note 3; The Law Society of Upper Canada, Challenges Faced by Racialized Licensees Working Group: Interim Report to Convocation (April 2015) at 359.

<sup>11</sup> Ibid.

<sup>12</sup> Jacques Gallant, “Part of Law Society’s plan to address racism challenged in court” (7 November 2017), *The Toronto Star*, online: <<https://www.thestar.com/news/gta/2017/11/07/part-of-law-societys-plan-to-address-racism-being-challenged-in-court.html>>.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

Prominent African American law professor Patricia J Williams (who spoke on a panel at Osgoode) poignantly said,

My abiding recollection of being a student at Harvard Law School is the sense of being invisible. I spent three years wandering in a murk of unreality. I observed large, mostly male bodies assert themselves against one another like football players caught in the gauzy mist of intellectual slow motion. Law school was for me like being on another planet, full of alienated creatures with whom I could make little connection.<sup>15</sup>

This feeling of alienation is one shared by many Black law students at Osgoode Hall Law School as captured during the town hall discussion on February 1, 2018. In support of an expansive but direct response to the blatant act of anti-Black racism on posters celebrating Black History in Gowlings' Hall, the need for a permanent fixture celebrating African-Canadian contribution to the legal profession in Gowlings' Hall at Osgoode, addresses the absence of Black faces on the walls of an institution that should be better celebrating the impact that Black law students and lawyers have had in both Osgoode and legal profession.

Currently, the vast majority of faces, plaques, names on the walls of are that of white men. Excluding the composite celebrating Black Excellence located in a low traffic area leading to washrooms and elevators, Osgoode Hall is absent in celebrating the contributions that African-Canadian's have made to both the law school and the legal profession. BLSA firmly believes that now is the time for the school to change this by placing a permanent installation celebrating the contributions of African Canadian lawyers and students in Gowlings' Hall—to be viewed and celebrated by all.

The importance of an installation extends further than simply adding a picture to the wall. It would be the first step in what BLSA hopes will be a long list of changes made by Osgoode to create the inclusive environment we want Osgoode to become.

Additionally, art and or installations that represent marginalized people, and the impact they have on the psyche of one's mind, body and soul but especially for those who are marginalized cannot be understated. Speaking of the ability to use the art form of poetry to speak and give voice to the marginalized position faced by Black women Audre Lorde writes that having the ability to use art to highlight not only your grievances but also your successes gives the underrepresented a name and creates a safe place for them to feel included.<sup>16</sup> A permanent installation in Gowlings' would give voice to the experiences of previous and current Black law students who walked the halls of Osgoode Hall and to African Canadian pioneers in the legal profession. This is a voice that is too often overlooked and discounted in ways that normalize acts such as the racist vandalism that took place on or around the night of January 31, 2018.

**In order to bring this recommendation to fruition BLSA recommends the following steps:**

1. Contact and work closely with BLSA Osgoode to ensure that any installation picked to go up captures the message that BLSA wants to be represented.

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<sup>15</sup> P J Williams, *The Alchemy of Race and Rights*, (Massachusetts: Harvard University Press) at 4.

<sup>16</sup> A Lorde, *Sister Outsider*, (New York: Crossing Press, 2007) at 37.

- BLSA will work closely with both current students and alumni to ensure that the installation selected sufficiently represents Black contribution to the legal profession.
2. Work with BLSA to organize an official unveiling of the fixture once complete.
- A ceremony to unveil the installation would be a great way to help foster and build the community between current and past students in ways that will bring us closer to our goal of ensuring that Black students feel included and welcome while pursuing a legal education at Osgoode.
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2017-2018 Executives

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Social Coordinator  
JOHANN ANNISSETTE

BLSA Canada Representative  
DANIELLE SMITHEN

Media Director  
TIFFANY DODDS

First-Year Representative  
WILLIAM ONYEAJU

## Closing Remarks

The Black Law Students' Association is proud to provide a safe space for black students at Osgoode Hall Law School. However, the institution must also make critical and conscious steps to ensure that black students are supported and welcomed. Visibility is no longer enough. It is time for Osgoode to live up to its reputation and invest in structural changes that guarantee diversity, inclusion and greater accessibility.

Osgoode must first accept the premise that there is a pattern of anti-black racism in the institution. From there, we as a community can work together to address the blatant and pervasive forms of oppression and racism. While we are saddened that these list of recommendations are once again being circulated to Osgoode administration, we are hopeful that Osgoode will choose to prioritize the well being of black students.

We would like to thank the black students at Osgoode for their courage, perseverance and love. We would also like to thank the BLSA alumni community for their mentorship, guidance and resources. To our allies and Osgoode club affiliates, we appreciate the ongoing support. As a result of the solidarity effort from the community, we have found the strength and motivation to address Anti-Black racism at Osgoode.

In all, black students should never feel isolated and unwelcomed while pursuing their legal education. We believe that these 10 recommendations will begin to remedy the experiences that black students have been facing at Osgoode for years. We ask Osgoode to break the pattern and choose action.

Sincerely,



Michelle Miles

**2017-2018 Vice President**

## Appendix



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### BLACK HISTORY MONTH 2018

#### 2017-2018 Executives

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Today marks a very important occasion for Canadians of African descent as the start of Black History Month. Every year the Black Law Students' Association of Osgoode Hall celebrates the achievements of prominent Black individuals in shaping Canada's heritage and unique cultural identity.

Unfortunately, as many of you may have heard, yesterday morning we discovered that our new displays in Gowlings Hall had been vandalized overnight. The Black Law Students' Association is saddened and equally outraged by the defacing of posters celebrating outstanding Black-Canadians.

This act of violence reminds us that sentiments of anti-blackness are still quite pervasive in our society. The Black Law Students' Association will continue to fight racism and discrimination both within and outside the Osgoode community. It continues to be our goal to help eradicate the ongoing inequalities that many Canadians of African descent encounter everyday.

We have requested that the incident be fully investigated and those involved in this terrible act be held legally responsible. At this time, we want to allow the investigation process to be complete before we make any formal requests to Osgoode administration. In the days to come, we will consult with our community members and alumni to generate a plan on how to address these issues going forward.

We would like to thank all those who have reached out through various platforms to lend their support. We believe the encouragement and recognition we have received is a true indication of the Osgoode spirit and solidarity. We would also like to personally thank Dean Sossin, Ben Berger, Mya Rimón and Kim Moore for their assistance and support.

Despite this negative incident, we remain PROUD OF OUR HISTORY.

## Celebrate Black History Month!

Thursday, February 1, 2018